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CIA, Not Nixon, Takes the Heat In New Hearings

By Norman Kempster
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Two years ago as he faced the Senate Watergate Committee, Richard Helms touched a sympathetic chord when he justified the CIA's seemingly peripheral role in the Nixon scandals by saying that obeying presidential orders was not previously considered dishonorable.

Helms, the former CIA director, was explaining why the agency cooperated — if only briefly — with the early stages of the Watergate cover-up. The question at the time was why the CIA followed improper orders from then-President Richard M. Nixon.

CIA officials, both past and present, returned last week to the Senate Caucus Room — where Sam Ervin's Watergate panel used to sit — to face the flip side of that question: Why did the agency ignore Nixon's orders which would have put restrictions on some of its secret activities?

"It is almost as though from the state of the evidence to date that the president was an irrelevancy," said Sen. Frank Church, D-Idaho, chairman of the Senate Intelligence Committee.

CHURCH HAS made little secret of the conclusion he expects the committee to reach. The CIA, he has said, was out of control "like a rogue elephant."

But if the CIA opened mail and squirreled away poisons in contravention of Nixon's orders, then it is easier to think that perhaps Nixon was not personally responsible for all of the illegal and corrupt actions that forced him to resign from office.

The committee conducted three days of public hearings last week on the so-called "Huston plan," a domestic intelligence program which frequently swerved well outside of the law. The plan was approved by Nixon in July of 1970 even though he had been warned that much of it was "clearly illegal." But five days later, after J. Edgar Hoover strongly opposed the Huston plan, Nixon rescinded his order of approval.

The plan would have authorized the CIA to open and read the mail of Americans if the letter was addressed to or received from the Soviet Union or other Communist countries. Presumably the revocation of the plan revoked that authority.

But the CIA had been opening such mail for 16 years at the time the plan was approved and it continued to do so for another three years after the plan was canceled. The program was continued through five administrations even though the CIA has never denied that it was illegal.

THE COMMITTEE has been unable to determine if Nixon knew of the mail opening program. For that reason, and some others, the committee wants to call Nixon as a witness. But in the meantime, the committee has been unable to find any former CIA official who can recall telling Nixon about the program.

If Nixon was unaware of the mail program, it may be possible that he was also unaware of other crimes that were committed in his name.

Since few members of the

committee — both Democrats and Republicans — have any real desire to rehabilitate Nixon's reputation, the lawmakers are interspersing their criticism of the CIA with reminders that Nixon had a cavalier attitude toward individual rights to match any excesses that may have occurred in the intelligence community.

Sen. Walter F. Mondale, D-Minn., read into the record two paragraphs from a presidential "talking paper" prepared in advance of a meeting June 5, 1970 with the directors of the CIA, FBI, Defense Intelligence Agency and National Security Agency. That meeting started the chain of events that eventually produced the "Huston plan."

TALKING PAPERS are prepared to summarize a president's thinking on an issue. They are written in the style of a prepared statement which could be read aloud although usually the president would paraphrase it.

"We are now confronted with a new and grave crisis in our country — one which we know too little about," the paper said. "Certainly hundreds, perhaps thousands of Americans — mostly under 30 — are determined to destroy our society. They find in many of the legitimate grievances of our citizenry opportunities for exploitation which never escape the attention of demagogues."

"They are reaching out for support — ideological and otherwise — of foreign powers and they are developing their own brand of indigenous revolutionary activism which is as dangerous as anything which they could import from Cuba, China or the Soviet Union," the paper said.

The paper also noted a difficulty which the government faced in dealing with such a problem: "Our people — perhaps as a reaction to the excesses of the (Joseph) McCarthy era — are unwilling to admit the possibility that 'their children' could wish to destroy their country. This is particularly true of the media and the academic community."

MONDALE SAID the paper was a symptom of Nixon's "paranoia." He said the former president was unwilling to consider evidence inconsistent with his view of an internal threat.

Still, the record is plain that the leaders of all of the intelligence agencies — with the exception of Hoover — enthusiastically endorsed the provisions of the Huston Plan, the illegal ones as well as the legal ones. And the record is equally clear that at least some of the more shadowy of the activities were already going on and continued to go on.

If the committee ultimately concludes, as Church has suggested, that the CIA operated without regard to the nation's laws, the report is sure to be a controversial one. One member of the committee, Sen. Barry Goldwater, R-Ariz., has insisted that he is convinced that the CIA never exceeded its authority from the White House. Goldwater's view seems to be in the minority on the committee, however.